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February 4, 2008

By Facsimile Transmission

The Honorable Judge Robert P. Patterson, Jr.
United States District Court
Southern District of New York
500 Pearl Street, Room 2550
New York, NY 10007

MEMO ENDORSED

Re: United States v. Phil Endellicate, et al.
Index No.: 07-cr-889

Dear Judge Patterson:

We represent Mr. Allan Handler in the above-captioned matter.

In light of the Government's clarification that the search warrant for Mr. Handler's apartment was signed at 10:30 AM, not 10:30 PM, *see* Government's Memorandum of Law in Opposition to Defendant's Pre-Trial Motions at 4, as well as other information we have discovered since filing the motion, we are withdrawing the portion of the motion that asserts the search of Mr. Handler's apartment began before the warrant's issuance. We are also withdrawing the affidavit of Marie Handler, submitted on January 15, 2008, which was submitted solely in support of this aspect of Mr. Handler's motion.


Furthermore, in an Endorsement signed on January 15, 2008, Your Honor scheduled oral argument on Mr. Handler's motion for this Friday, February 8, 2008 at 2 p.m. Unfortunately, I will be out of the state from February 6th-8th. Additionally, due to our recent review of the actual evidence seized by the Government prior to the issuance of the search warrant, we anticipate filing a supplement to Mr. Handler's motion, so as to clarify and narrow the issues before the Court. Therefore, I respectfully request that the Court adjourn the matter until anytime after 11:00 a.m. on February 27, 2008. Assistant United States Attorney David Massey consents to this request. He has entered an appearance on behalf of the government in this matter and will be officially taking over for Assistant United States Attorney Benjamin Gruenstein on February 15, 2008.

*Application Denied
This matter was scheduled
for 2/8/08 at 2 PM at Defendant's
request by letter dated January 14, 2008.
SO ORDERED
Robert P. Patterson - 2/4/08*

I apologize for this inconvenience. Mr. Handler has no objection to the exclusion of time under the Speedy Trial Act between the current argument date and February 27, 2008 or to the date thereafter on which Your Honor resets the argument.

Thank you for your consideration in this matter.

Respectfully,


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